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UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

PETER KLAPPER,

Defendant.

Case No. 4:19-cv-6890-DMR

**STIPULATION AND ~~PROPOSED~~
ORDER TO AMEND CASE
MANAGEMENT ORDER ***AS
MODIFIED*****

Pursuant to Civil Local Rule 6-2, the United States of America and Defendant Peter Klapper, through undersigned counsel of record, stipulate as follows and respectfully request an order pursuant to this stipulation for an enlargement of time in which to complete discovery and to continue all corresponding deadlines in the Case Management Order:

1. The United States filed its Complaint on October 24, 2019. (Docket No. 1). The Complaint was served on October 19, 2020, and Mr. Klapper timely answered on November 16, 2020. (Docket Nos. 23 and 24).
2. On February 3, 2021 (Docket No. 33), the Court entered the Case Management Order and set the following discovery and motion deadlines:
 - a. All non-expert discovery shall be completed by 8/17/2021.
 - b. Experts shall be disclosed and reports provided by 8/17/2021.

1 c. Rebuttal experts shall be disclosed and reports provided by 8/31/2021.

2 d. All discovery from experts shall be completed by 9/14/2021.

3 e. The last day for **hearing** dispositive motions shall be 10/14/2021.

4 3. The United States propounded requests for production to Mr. Klapper on May 5, 2021.
5 Mr. Klapper served his responses to the production requests and responsive documents on July 12, 2021.
6 On July 30, 2021, the United States conducted Mr. Klapper's deposition.

7 4. On July 18, 2021, Mr. Klapper served requests for admission, requests for production,
8 and interrogatories on the United States. Accordingly, the United States' discovery responses are due
9 August 17, 2021, which is also the deadline for fact discovery.

10 5. The United States seeks to amend the Case Management Order to enlarge the discovery
11 period by sixty days and to continue all corresponding deadlines, including the dispositive motion
12 deadline and trial related dates accordingly. The United States seeks this enlargement of time not for
13 purposes of delay, but rather to provide the Internal Revenue Service with additional time to locate and
14 transmit materials that may be responsive to Mr. Klapper's discovery requests. Counsel for Mr. Klapper
15 does not object and stipulates to this request for additional time.

16 6. This is the parties' first stipulation to amend the Case Management Order.
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1 Dated this 12th day of August, 2021.

2 DAVID A. HUBBERT
3 Acting Assistant Attorney General

4 /s/ Amy Matchison
5 AMY MATCHISON (CA SBN 217022)
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9 Dated this 12th day of August, 2021.

10 BRUNETTI ROUGEAU LLP

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17 *Attorney for Defendant Peter Klapper*
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ORDER

The STIPULATION TO AMEND CASE MANAGEMENT ORDER is approved and the Case Management Order for this case is amended to enlarge the discovery period by sixty days and to continue all corresponding deadlines, including the dispositive motion deadline and trial related dates accordingly. Specifically:

- a. All non-expert discovery shall be completed by 10/18/2021.
- b. Experts shall be disclosed and reports provided by 10/18/2021.
- c. Rebuttal experts shall be disclosed and reports provided by 11/1/2021.
- d. All discovery from experts shall be completed by 11/15/2021.
- e. The last day for **hearing** dispositive motions shall be ~~12/16/2021~~. 12/23/2021

[In addition, the Court makes the further orders stated below:]

The pretrial conference and trial dates are VACATED. The 9/1/2021 CMC is CONTINUED to 11/17/2021 at 1:30 p.m. by Zoom video conference. The parties' joint updated CMC statement is due by 11/10/2021. The court will set new pretrial and trial dates at the November CMC.

IT IS SO ORDERED.

Dated this 16th day of August, 2021



DONNA M. RYU
UNITED STATES MAGISTRATE JUDGE

ECF CERTIFICATION

Pursuant to Local Rule 5-1(i)(3), I hereby attest that I obtained concurrence in the filing of this document from the signatory indicated by the conformed signature (/s/) of Gregory A. Rougeau.

/s/ Amy Matchison
AMY MATCHISON
Trial Attorney, Tax Division
U.S. Department of Justice